PRESERVED

App. F. IX-4

1937.

File No. 110-37

Previous References

Serial Nos. 1-4

Letter References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 4

Part B for June 1938.

SUBJECT.

Exempting advocates of local bodies from producing certificate of having received the Regulation Fee

Sl-4 To the Mysore Advocates' Association, Mysore.

" Municipal, " B-Lone

" " Presidents of D-Boards.

WD 0295—GPB—22,500—18-8-37

No P 5939-49 dy 27-4-38

Sanctions the recommendation of the Act

27/6/38

5856 (3

Exception to the rule requiring production of Certificate of Registration for having been called.

General and Revenue Secretariat

Cts. File No. 110 of 1937. [App. F. III—2

Serial No. 3

From
The Registrar High Court
Roc No 577 /37-38 dt 6-4-1938

With reference to the proposal of the President City Municipal Council, Mysore, re. the grant of exemption to the Advocate or pleader appearing on behalf of the Municipal Council from the operation of the Rule of Practice requiring the production of a Certificate for having received the Registration fee, States that the Judges of the High Court agree that an exception of the kind recommended by the Municipal Council should be made and forwards for sanction a draft Rule of Practice in supplition of the existing Rule of Practice.

Submitted with references and a draft of a G.O. sanctioning for approval or other orders

The proposed rule meets the difficulty raised by the President of the Mysore City Municipality and it is viewed therein when it was before to have the lawyers for Local Authorities & Local Boards need not file any fee certificate

CPR 12/4 dt

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-3-37

2857-37 P 83 (5

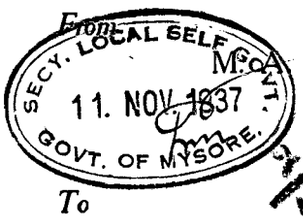
No. GT 1332

OFFICE OF THE PRESIDENT,
CITY MUNICIPAL COUNCIL, MYSORE.

Dated 6th November 1937.

9 Js 110-37

From



M. A. SREENIVASAN, Esq., B.A.,
PRESIDENT, CITY MUNICIPAL COUNCIL,
MYSORE.

To

The Secretary to Government,
Local Self Government Department,
Bangalore.

Sir,

With reference to the High Court's Notification of the 15th July 1937 (published on page 1213, section 2 of part III of the Mysore Gazette dated 22nd July 1937) making a rule of practice No.169 which directs that unless the court otherwise orders, and except in the case of an advocate or pleader appearing on behalf of Government no fee shall in any case be entered as recoverable in a decree or order, except on a production of a certificate, signed by the advocate or pleader, that he has received such fee, and that each party shall, within three days from the date of judgment or order or such further period as may be allowed by the court, bring into court the certificate mentioned above, I have the honour to state that in pursuance of the rules governing the employment of the Municipal Advocate, approved by Government in their order No.L.4374-5/Ml.147-34-2 dated 21/22-12-1934 the Municipal Council have appointed a Municipal advocate on a monthly salary in lieu of payment of fee for each case. As his monthly emoluments bear no relation to the volume of work done or the number of cases conducted by him on behalf of the Municipality, it would not be possible to apportion the emoluments and say how much of it refers to any particular case. Hence the Municipal Advocate will not be in a position to furnish the certificate prescribed by the rule under reference.

The Municipal Council now and then engages the services of other advocates besides the Municipal Advocate, in important cases and for conducting, on behalf of the Municipality, revision cases etc., coming before the High Court. As a rule, the legal remuneration admissible under the rules will be paid in all such cases, but the

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observance of the usual official formalities and pre-audit etc., involve some delay and it may not be possible in all cases to make payment within the time prescribed by the rule referred to supra. Hence, the Advocate concerned will not be in a position to produce the said certificate before the Court.

As in the absence of the said certificate the Municipality would lose a considerable portion of the costs it incurs in every one of its cases, I request that Government may be pleased to exempt the Advocate or pleader appearing on behalf of the Municipal Council from the operation of the above rule.

It may be added that the case of an Advocate or pleader appearing on behalf of the Municipal Council is similar to that of the Government Advocate who appears on behalf of Government, and the grounds necessitating the grant of exemption to the latter from the operation of the said rule apply with equal force to the case of the former.

I request the favour of early orders of Government in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

M.S. Srinivasan

President.

PVR.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

Bangalore, Dated, ~~19th~~ November 1937.

No. P26558-110-37-2
Revl

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Registrar,
High Court of Mysore,
Bangalore.

Sir,

I am directed to forward herewith a copy of letter No. G.T. 1332 dated 9th November 1937 from the President, City Municipal Council, Mysore, recommending that the -- Advocate or Pleader appearing on behalf of the Municipal Council may be exempted from the operation of the Rule requiring the Legal Practioners to file certificates for having received the regulation fee and to request that Government may be favoured with the opinion of the High Court in the matter.

The favour of an early reply is requested.

I have the honor to be,
Sir,
Your most obedient servant,

19.11

Chief Secretary to Government.

TRM.2

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

No P2655/Genl 1, 18/22 11/37

No 110-37-2

To

The Registrar
High Court

Sir

I am directed to forward herewith a copy of letter No G.T. 1332 of 9. 11. 1937 from the President City Municipal Council Mysore recommending that the Advocate or pleader appearing on behalf of the Municipal Council may be exempted from the Operation of the Rule requiring the Legal practioners to file Certificates for having received the Regulation fee and to request that Govt may be favoured with the Opinion of the High Court in the matter

The favour of an early reply is requested.

I have &c

18/1

for Chief Secy to Govt

WD 0522—GPB—7,500—16-2-37

5856 p 37 (9

R. O. C. No. 577/37-38

Encl 1

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 4th April *193* 8.

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Cts 110-37-3

FROM T. Shamiengar, Esq., B.A., B.L.,
~~A. Sundararaja Rao, Esq., B.A., B.L.,~~
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.

CHIEF SECRETARY. 7. [illegible] 1938 * GOVT. OF MYSORE.

B.T. Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

SIR,

With reference to your letter No.P.2655/Cts.110-37-2, dated 22nd November 1937, requesting the opinion of the High Court on the recommendation made by the President, City Municipal Council, Mysore, to exempt an Advocate or Pleader appearing on behalf of the Municipal Council from the operation of the rule (Civil Rule of Practice No.169, dated 15th July 1937) requiring the production of a Certificate from an Advocate or Pleader that he has received his fee, I am directed to state that the Judges of the High Court agree that an exception of the kind recommended by the Municipal Council should be made. I am accordingly to enclose a draft Rule of Practice in supersession of the Rule of Practice of 15th July 1937 for the sanction of the Government.

Opportunity has been taken to extend the exemption to Advocates and Pleaders appearing for District Boards or other Local Authorities, to recast the rule slightly in other respects and to recite as authority for making the rule Section 130 of the Code of Civil Procedure in addition to Section 20 of the Legal Practitioners' Act, as the rule goes beyond the rule-making power under the latter provision.

I have the honour to be,

Sir,

Your most obedient servant,

T. Shamiengar
Registrar.

VJC

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IN THE HIGH COURT OF MYSORE AT BANGALORE.

Civil Side.

Rule of Practice No.

Dated ~~4th~~ April 1938.

--

Under the provisions of Section 130 of the Code of Civil Procedure, 1911, and of Section 20 of the Mysore Legal Practitioners' Act, 1884, the High Court with the previous sanction of the Government hereby makes the following Rule of Practice in substitution for Rule of Practice No.169, dated 15th July 1937, viz:-

Unless the Court otherwise orders and except in the case of an Advocate or Pleader appearing on behalf of the Government, a Municipal Council, a District Board or other Local Authority no Advocate's or Pleader's fee shall be entered as recoverable in any decree or order unless a certificate signed by the Advocate or Pleader that he has received such fee is brought into Court within three days from the date of the judgment or order or such further period as may be allowed by the Court.

2. The fact that a promissory note or other agreement to pay a fee has been given or made by a party will not entitle the Advocate or Pleader appearing for him to certify that he has received the fee.

J. Thanisengan
Registrar.

MRN

VJC

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

(13

a draft Rule of Practice in supersession of the Rule of practice of the ~~15~~ 15th July ~~1937~~ Sanctioned in the G.O. of 8:7:37

Order No 75939-4 Dt 27-4-38

The Recommendation of the High Court is Sanctioned

The revised Rule of Practice is appended to this order.

Chief Secretary to Govt.
hp 13.4

To
1) The Registrar High Court
2) The President, City Municipal Council Mysore
3) The Commissioner, City Municipality Bangalore City through the President, City Municipal Council
4) The Presidents of District Boards through the Deputy Com[illegible]

WD 03603—GPB—15,000—8-7-35

GX

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PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

READ:-

Government Order No.P.150/Cts.216-36-2 dated 8th July 1937 sanctioning the introduction of a Rule of Practice under Section 20 of the Legal Practitioners' Act directing the filing of certificates by an Advocate or Pleader for having received the Regulation fee.

2. Letter No.G.T.1332 dated 9th November 1937 from the President, City Municipal Council, Mysore, stating that it will not be possible for the Municipal Advocate to produce before the Court concerned the certificate prescribed in the Rule referred to above and that in the absence of the said certificate the Municipality will lose a considerable portion of the costs it incurs in every one of its cases and requesting that the Advocate or Pleader appearing on behalf of the Municipal Council may be exempted from the operation of the above Rule.

3. Letter No.Roc.577/37-38 dated 6th April 1938 from the Registrar, High Court, stating that the Judges of the High Court agree that an exception of the kind recommended by the Municipal Council should be made and forwarding for sanction of Government a draft Rule of Practice in supersession of the Rule of Practice sanctioned in the Government Order of 8th July 1937.

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ORDER NO. P 5939-49 Cts 110-37-4

Dated, Bangalore, the 22nd April 1938.

27

The recommendation of the High Court is sanctioned.

2. The revised Rule of Practice is appended to this order.

By order,

Chief Secretary to Government.

To

The Registrar, High Court.
The President, City Municipal Council, Mysore.
The Commissioner, City Municipality, Bangalore City, through the President, City Municipal Council.
The Presidents of District Boards, through the Deputy Commissioners.

S/12.

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IN THE HIGH COURT OF MYSORE AT BANGALORE.

Civil Side.

Rule of Practice No.

Dated [redacted] April 1938.

- - - - - -

Under the Provisions of Section 130 of the Code of Civil Procedure, 1911, and of Section 20 of the Mysore Legal Practitioners' Act, 1884, the High Court, with the previous sanction of the Government, hereby makes the following Rule of Practice in substitution for Rule of Practice No.169, dated 15th July 1937, viz:-

Unless the Court otherwise orders and except in the case of an Advocate or Pleader appearing on behalf of the Government, a Municipal Council, a District Board or other Local Authority no Advocate's or Pleader's fee shall be entered as recoverable in any decree or order unless a certificate signed by the Advocate or Pleader that he has received such fee is brought into Court within three days from the date of the judgment or order or such further period as may be allowed by the Court.

2. The fact that a promissory note or other agreement to pay a fee has been given or made by a party will not entitle the Advocate or Pleader appearing for him to certify that he has received the fee.

Chief Secretary to Government.

S/12.